

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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MAURICE LEMAR GREEN,

Case No. 22-CV-2257 (PJS/DJF)

Plaintiff,

v.

ORDER

RAMSEY COUNTY JAIL, ADC, Health  
Services, Contract Pharmacy Services,  
and Medical Staff and Management,

Defendants.

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This matter is before the Court on plaintiff Maurice Lemar Green's objection to the November 14, 2022, Report and Recommendation ("R&R") of Magistrate Judge Dulce J. Foster, which the Court construes as a request for relief under Fed. R. Civ. P. 60(b). For the reasons that follow, the Court denies the request.

Green commenced this action on September 15, 2022, and filed an application to proceed *in forma pauperis* ("IFP") that same day. ECF Nos. 1, 2. Green was detained in the Ramsey County Jail when he initiated the action. *Id.* On September 20, 2022, Judge Foster ordered Green "to either provide a certified copy of his prison trust fund account statement (or institutional equivalent), or pay the total filing fee of \$402 on or before October 11, 2022." ECF No. 3 at 1. In October 2022, the Clerk's Office received notice that the copy of Judge Foster's September 20 order that was mailed to Green had been returned as undeliverable. The Clerk's Office then mailed the September 20 order to

Green at an address in Milwaukee that he had referenced in his complaint. Green never responded to or complied with Judge Foster's order.

On November 14, 2022, Judge Foster recommended dismissing Green's complaint without prejudice for failure to prosecute. ECF No. 5. Green did not object or otherwise respond to the recommendation, so this Court adopted Judge Foster's R&R on December 13, 2022, and judgment was entered. ECF Nos. 6, 7.

On May 2, 2023, the Clerk's Office received a change-of-address notice from Green, indicating that he was now detained at the Milwaukee County Jail. ECF No. 8. The Clerk's Office responded to the notice by mailing to Green copies of the documents that had previously been marked as undeliverable. ECF No. 9.

On May 16, 2023, the Court received Green's objection to Judge Foster's R&R, which the Court construes as a request for relief under Fed. R. Civ. P. 60(b)(6). ECF No. 10. Rule 60(b)(6) states that "the court may relieve a party . . . from a final judgment . . . [for] any . . . reason that justifies relief." According to Green, he was transferred to the Milwaukee County Jail on September 20, 2022, just five days after filing this lawsuit, so he never received copies or notice of Judge Foster's September 20 order or her November 14 R&R. And although Green listed an alternative address in his complaint to which the Clerk's Office mailed these documents, "[t]he Alternative address given, neglected to inform [him] of mail forwarded to [him]." ECF No. 10 at 2. Green admits

he “gave the courts an unreliable address,” but asks the Court to allow him to “Re-Proceed” in this case, now that he has provided his updated address to the Clerk’s Office. *Id.* at 3.

The relief provided by Rule 60(b) is “extraordinary” and “may be granted only upon an adequate showing of exceptional circumstances.” *Jones v. Swanson*, 512 F.3d 1045, 1048 (8th Cir. 2008) (quoting *United States v. Young*, 806 F.2d 805, 806 (8th Cir. 1986) (per curiam)). Here, Green admits that he originally provided the Court with an unreliable address, and he fails to explain why he waited *seven months* (until April 25, 2023) before he notified the Clerk’s Office that he had been transferred to the Milwaukee County Jail. He has therefore failed to demonstrate the “exceptional circumstances” necessary to justify the requested relief, and his request is denied.

#### ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT plaintiff’s request for relief [ECF No. 10] is DENIED.

Dated: June 21, 2023

s/Patrick J. Schiltz  
Patrick J. Schiltz, Chief Judge  
United States District Court